

	<p>IDEM Permit Guide: Permitting Industrial Wastewater Discharge to a Waters of the State</p> <p>www.IN.gov/idem/guides/permit/water/industrialdischarge.html</p>
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Who May Need a Permit

Anyone discharging pollutants from a point source directly into the waters of the state must first obtain a National Pollutant Discharge Elimination Systems (NPDES) permit from IDEM. This applies to municipal wastewater treatment plants or semi-public facilities treating sanitary wastewater, public waters supplies, and industrial dischargers. The few exceptions to this requirement are listed below under **Who “May Not” Need a NPDES Wastewater Discharge Permit**. Note that each regulated industrial facility has control of its manufacturing process. IDEM encourages each industry to reduce the anticipated treatment needs and associated treatment options which likely will be required for compliance with the NPDES industrial discharge permit by performing pollution prevention.

NPDES permits can be either general or individual. A general permit, or permit-by-rule, is a “one size fits all” type of activity-specific permit, under which the applicant makes a public notification of their intention to operate within the limits of pre-set conditions, but for which there is no public comment period. Meanwhile, the permit conditions associated with a NPDES individual permit are tailored to the specific activities of the applicant, and any final permitting decision by IDEM is preceded by a 30-day public comment period.

There are three different types of applications for individual industrial NPDES permits; 1) Process Wastewater from Existing Dischargers (Application form 2C), 2) Process Wastewater from New Sources and New Dischargers (Form 2D), and 3) Non-Process Wastewater from New and Existing Dischargers, such as non-contact cooling water discharges - including cooling water discharges by those facilities ineligible for a Rule 8 general permit (Form 2E).

There are two levels of industrial discharge permits; major and minor. Permits may be designated as being “major” if IDEM or EPA believes that the facility has a reasonable potential to discharge pollutants at a level which may cause harm to human health or aquatic life. EPA has developed a worksheet and protocol for determining whether discharges will qualify as major.

Dischargers holding an individual NPDES permit also remain eligible to operate under one or more general permits. One such general permit is the [Rule 6 permit for stormwater runoff associated with industrial activity](#). However, if a facility is ineligible for a Rule 6

general industrial stormwater runoff permit, and must apply for an individual stormwater permit (Form 2F), that stormwater permit can be folded into the individual discharge permit as an attachment. Similarly, those holding an individual NPDES permit may be eligible for a Rule 8 general permit allowing the [point source discharge of non-contact cooling water](#). On the other hand, if it is determined that additives in the non-contact cooling water may exceed water quality standards, the applicant may be required to apply for a Non-process Wastewater individual NPDES permit using form 2E.

Who May Not Need a NPDES Wastewater Discharge Permit

Below please find a cursory listing of activities for which a NPDES wastewater discharge permit may not be required. These instances are more fully explained in Title 327 of the Indiana Administrative Code, Article 5, Rule 2, Section 4 (327 IAC 5-2-4). However, anyone unsure of whether these exemptions may apply to the activities they intend to undertake is advised to contact the IDEM Industrial NPDES Permit Section at one of the numbers listed [below](#), or to file an application with IDEM, and let the agency make a case specific determination.

Those discharges which generally do not require a NPDES permit include:

- 1) Persons discharging industrial wastewater into a sewer flowing to any publicly owned treatment works do not need a NPDES permit. However, industrial dischargers **may need to have an [Industrial Pretreatment Permit](#)** issued either by IDEM, or by one of the 45 Indiana municipalities with EPA-delegated pretreatment programs in place.
- 2) Persons discharging to a privately owned treatment works.
- 3) Agriculturally-related non-point-source discharges such as run-off from croplands, pastures, orchards, forests or rangelands or return flows from irrigation facilities.
- 4) Discharges of wastewater from ships or other waterborne vessels being used for transportation. However, the exclusion does not apply to the overboard discharge of rubbish or garbage, nor to dischargers from vessels being used as an energy or mining facility, as a storage facility, a seafood processing facility, or any vessel which is secured to the bottom for the purpose of mineral or oil exploration or development.
- 5) Discharges of dredge or fill material, placement of which into the waters of the state, as part of the waters of the United States, is regulated by the U.S. Army Corps of Engineers under the wetland protection provisions of the Clean Water Act (Section 404), unless those discharges contain toxic pollutants.
- 6) Discharge by underground injection of salt or sulfur bearing wastewater and waste liquids associated with the properly permitted recovery of oil and natural gas.

7) Discharges into deep injection wells. Regulation of such discharges is the responsibility of the U.S. Environmental Protection Agency (call 312/886-6594 or 6593).

Some of the things an applicant must do to comply with IDEM's National Pollutant Discharge Elimination Systems individual permit program include (but are not limited to):

- < Submit a complete application, including a list of people or organizations which may be affected by the issuance of the permit,
- < Pay a \$50 NPDES application fee,
- < List contaminants anticipated to be found in the wastewater,
- < Record and report sampling data as required by the permit, and
- < Pay an annual operation fee ranging from \$240 for discharges of less than 50,000 gallons per day to \$3,600 for discharges of more than 1 million gallons per day, to \$28,300 for discharges of more than 50 million gallons per day (Discharges of more than 90-percent non-contact cooling water are discounted by 20-percent).

What to Expect

IDEM is allotted 270 days to review a major individual NPDES permit application, which generally takes about 240 days, and 180 days to review an application for an individual minor NPDES permit, which generally takes about 150 days. Both major and minor draft permits are subject to a 30 day public notice period.

Frequently applicants also must build wastewater treatment facilities to bring wastewater within the NPDES permit limits prior to discharge. In fact, the construction of any **new** pollution control/wastewater treatment or pretreatment facility requires a [Wastewater Facilities Construction Permit](#). On the other hand, modifications to existing pollution control/wastewater treatment or pretreatment facilities and sewer line extension projects or may not require a construction permit.

For Additional Information

To obtain additional information regarding discharging directly to the waters of the state under a National Pollutant Discharge Elimination individual permit visit the IDEM Internet Website at <http://www.IN.gov/ideM/water/npdes/municipal/background.html> or at <http://www.IN.gov/ideM/water/npdes/guide/index.html>, or contact Steve Roush at 317/232-8706. To obtain one of the aforementioned application forms please call 317/232-8472, or (317) 232-8760 or visit the IDEM Internet Website at <http://www.in.gov/ideM/water/permits/applications.html>. For information about Wastewater Operator Certifications, contact Christine Hightower at 317/232-8666.

Disclaimer

This permit guide is intended to provide background information which should be useful in

planning for a particular project that may require an environmental permit. It does not substitute for consultation with the appropriate regulatory agency and/or the appropriate rules or statute.